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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 6th April, 2026

Uploaded on: 9th April, 2026

+ **W.P.(C) 1784/2026 & CM APPL. 19514/2026, CM APPL. 21293/2026, CM APPL. 21294/2026, CM APPL. 21295/2026**

SAROJ (WIDOW OF KHEMCHAND)

.....Petitioner

Through: Mr. K.C. Mittal, Mr. Yugansh Mittal,
Mr. Keshav Poonia and Mr. Madhur
Gupta, Advs. (M: 9911256665).
Mr. Vinod Dahiya, Mr. Kuldeep Antil,
Mr. Bhaskar, Mr. Ankit Malik, Advs.
Ms. Priya Darshini, Advocate.

versus

**STATE OF NCT OF DELHI THROUGH ITS CHIEF SECRETARY
& ORS.**

.....Respondents

Through: Mr. Chetan Sharma ASG, Mr. Sanjay
Kumar Pathak SC
(L&B/GNCTD/UOI/LAC), Mr.
Sameer Vashisht SC(C), Mr. Amit
Gupta, M. Dheeraj Kumar Singh, Adv,
Mr. Saurabh Malhotra, Mr. A. N.
Saini, Mrs K. Kaomudi Kiran, Mr.
Sunil Kumar Jha, Mr. M. S. Akhtar,
Ms. Joohu Kumari Advocates with
Mr. S. S. Parihar, DM (CN), Mr.
Mukesh Meena CE (PWD), Mr.
Prashant, Addl Secretary, GNCTD,
Mr. Rajiv Ranjan, ADM/LAC (CN),
Mr. Harpinder Singh, EE (PWD) and
Mr. Manoj Kumar Patwari CN district
for R-1,2 and 3 (M: 9899387799).
Mr. Shashi Pratap Singh and Ms.
Shagun Sabharwal, Advocates for
DDA (M: 7340989053).



CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner -Mrs. Saroj (Widow of Mr. Khemchand), seeking the following prayers:

“a. Issue a writ of Certiorari, or any other appropriate writ, order or direction, quashing and setting aside the Public Notice dated 21.01.2026 issued by Respondent No. 2, being wholly illegal, without jurisdiction, arbitrary, and unenforceable in law; and

b. Issue a writ of mandamus thereby directing the Respondents to provide the documents based on which the Petitioners/occupiers are being dispossessed from the land of which they are in peaceful, settled and undisturbed possession from past 5 Decades; and

c. Issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring that the alleged acquisition proceedings in respect of land bearing Khasra Nos. 12 min and 13 min, Village Haiderpur, Shalimar Bagh, Delhi, pursuant to Award No. 40/1980-81 and Award No. 50/1980-81, stand lapsed by operation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; and

d. Issue a writ of Mandamus directing that in the event the Respondents seek to acquire the subject land for any public purpose, the same shall be done only by initiating



fresh acquisition proceedings strictly in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, after following due process of law and upon payment of compensation, rehabilitation, and resettlement as mandated thereunder, and not on the basis of the lapsed and extinguished acquisition proceedings.

e. Issue a writ of Mandamus directing the Respondents, their officers, agents, and any person acting on their behalf, to forthwith refrain from taking any coercive action, including but not limited to eviction, demolition, dispossession, sealing, or interference with possession, of the Petitioners in respect of the subject land and the structures standing thereon; and

f. Issue a writ of Mandamus restraining the Respondents from acting upon, enforcing, or giving effect to the impugned Public Notice dated 21.01.2026, or from asserting any right, title, or interest over the subject land on the basis of the lapsed acquisition proceedings; and

g. Pass an interim order directing the Respondents to maintain status quo with respect to possession, nature, and title of the subject land during the pendency of the present writ petition; and

h. Pass an order directing the Respondents to maintain status quo regarding possession, change of land use and creation of third party rights till fresh acquisition proceedings under the RFCTLARR Act of 2013; and

i. Award costs of the present petition in favour of the Petitioners; and

j. Pass such other and further order(s) or direction(s) as



this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice."

Factual Background

3. The brief background of the present case is that, the Petitioner claims to be the Special Power of Attorney holder of 98 occupants/owners/possessors (*hereinafter*, 'occupants') of land in Khasra No. 12(min) and 13(min) of Village Haiderpur, Shalimar Bagh, Delhi (*hereinafter*, 'the subject land'). The list of occupants who have made the Petitioner their special power of attorney is annexed with the present petition as ***Annexure P-2***.
4. The Petitioner herself is stated to be in possession of a built-up residential property, measuring approximately 150 square yards, comprising a three-storey structure on the subject land. It is stated that the said property has been divided amongst her three sons, who are living along with their respective families at the said property.
5. The case of the Petitioner is that she has been residing with her sons and their families and has been in continuous possession of the property on the subject land, since 1962, following her marriage into the family. She further states that she has been regularly paying the property tax, and that her late husband's name is duly recorded in the *Khasra Girdawari/Fard* for the year 1973–1974.
6. Notifications under Section 4 of the Land Acquisition Act, 1894 (*hereinafter*, 'Act, 1894') being *F15(III)/59-LSG* dated 13 November, 1959 and *F.15(245)/60-LSG/L&H* dated 24th October, 1961, were issued for acquisition of the subject land, for the public purpose of '*Planned Development of Delhi*'. This was followed by two declarations under Section



6 of the Act, 1894, being *No. F.4(5)/63-L&H(i)* and *No. F.4(5)/63-L&H(ii)*, dated 6th December, 1996.

7. With a considerable gap, sometime in 1980-1981, the awards being ***Award No. 40/1980-1981*** dated 14th July, 1980 and ***Award No. 50/1980-1981*** dated 18th July, 1980 (*hereinafter, the awards*) were passed under Section 11 of the Act for acquisition of the subject land.

8. The acquisition was for Delhi Development Authority (*hereinafter, 'DDA'*), and the compensation amount is stated to have been deposited by the DDA.

9. According to the Petitioner, the occupants of the subject land have been in physical possession of the properties on the subject land and have obtained electricity, water connections, voter identity cards, ration cards and have also paid house tax, establishing continuous possession of the said properties on the subject land.

10. Further, it is also stated by the Petitioner that, post the acquisition, the physical possession of the subject land was never taken or handed over to the DDA. The stand of the residents is that several attempts have been made by them to seek reversion of the land to the occupants. In this context, reference is made by the Petitioner to the '*Minutes of Meeting*' dated 19th April, 2010, wherein a delegation from the Shalimar Bagh *gaon* had met the then Hon'ble Lieutenant Governor, wherein it was agreed as under:



Brief Record of the Hearing given to a Delegation from Shalimar village on road widening issue at Raj Niwas on 19th April 2010 at 1045 hrs

A delegation from Shalimar Gaon had met the Chairperson of National Advisory Council (NAC) of the UPA Govt. and Hon'ble Union Minister of Urban Development who had desired that the delegation may be given a hearing by the Hon'ble Lt. Governor, Delhi.

2. Hon'ble Lt. Governor met the delegation on 19th April 2010 at 1045 hrs at Raj Niwas. It was brought out that about 200 households of Shalimar Gaon were threatened with demolition of their houses located in Shalimar Gaon due to road widening programme of DDA.

3. The proposed approach road through Shalimar Gaon leads to DDA flats in Shalimar Bagh. The residents' grievance was mainly due to a decision taken at a meeting held at Raj Niwas on 23rd February 2010, wherein a direction was given for allotment of 12 sq. mt. plot to each of these 200 families by MCD at Savda Ghevra as an interim arrangement. The residents submitted that they were all legitimate residents of the area since long living on their own private land. Hence the question of shifting them to smaller plots measuring 12 sq.mt. cannot arise.

4. They further mentioned that the road in that stretch of the village could be widened on the other side i.e. towards the railway track, which is presently vacant, and there would be no requirement of any demolition to be carried out of any house in that case.

5. It was also brought out that the Shalimar Gaon has already been issued provisional regularization certificate by the Delhi Government.

6. After listening to their points, Hon'ble LG decided the following:-

- a) That the road widening in Shalimar Gaon needs to be re-looked as suggested by the representatives of the village, wherein road widening could be shifted



to avoid any demolition of houses in the village. Accordingly, he desired that DDA should re-submit the proposal.

- b) Further, he assured the representatives of the Shalimar Village that no house will be demolished and that they need not worry on this account.

7. This is being issued with the approval of the Hon'ble Lt. Governor and supersedes the earlier minutes of the meeting issued vide U.O. No.100(3)/2010/RN/394/4523-27 dated 26.02.2010.

11. In terms of the above, a decision was taken by the Hon'ble LG that the widening of the road in the Shalimar Bagh area was to be done in a manner that would not affect the occupants of the subject land. For this purpose the road widening was to be re-aligned or shifted. An assurance was also given that the properties of the occupants would not be demolished. On the strength of the above assurance, it is the case of the Petitioner that the re-alignment of the road was to be done by the authorities, and until then the Petitioners were not to be disturbed.

12. The further case of the Petitioner is that the demarcation of the subject land was conducted without the actual occupants being taken into confidence, and in the absence of any further re-alignment plan, no houses were to be demolished.

13. Surprisingly, on 21st January, 2026 the impugned public notice was issued by the Land Acquisition Collector/ADM, District Central North, Delhi and was received by the occupants, stating that Road No. 320, Shalimar Bagh, Village Haiderpur, Delhi (*hereinafter*, 'Road No. 320') is proposed to be widened to 30 meters and objections were invited.

14. Aggrieved by the impugned public notice and the awards, the present



petition has been filed by the occupants through the Petitioner.

15. On 9th February, 2026, the Court had considered the matter, and after some hearing, the following directions were issued:

“[...]

18. *The Court has heard the ld. Counsels for the parties and perused the records. There are serious issues of maintainability in the present case, as the present petition is filed in a representative capacity by one lady i.e., Mrs. Saroj, who claims to be holding Special Power of Attorney for 98 occupants of residential buildings and commercial establishments in the Shalimar Bagh area. The manner in which the present petition has been filed is to be examined by this Court.*

19. *A perusal of the communications reveals that some amount of compensation has been disbursed and details of the same ought to be placed by the LAC.*

20. *According to ld. Counsel for the LAC, references under Section 18 of the Act, 1894 have also been made. However, the exact status of the said references is not known.*

21. *At this stage, the concerned ADM, who is present in Court, before whom the hearings are being held, submits that the occupants are not cooperating, despite the notices having been issued. It is submitted that they refuse to submit the requisite documents, on the ground that the documents are with their Counsel.*

22. *In this background, the Court has to examine:*

(i) The status of the Petitioner and the 98 occupants and determine the maintainability of the present writ petition;

(ii) The exact amount of compensation disbursed and the persons who received the said compensation.



23. Under these circumstances, the Court is inclined to pass the following directions:

(A) Affidavit to be filed by the Petitioner and persons claiming rights over the land

(i) The Petitioner along with the 98 occupants who are being represented, shall comply with the necessary procedural formalities of this Court, by depositing the requisite Court fees.

(ii) The said occupants shall also file affidavits in support of the petition stating their respective lineage, if any, and also how they claim rights in the properties in question.

(iii) Let the said affidavits be filed by all the Petitioner and the occupants along with the requisite Court fee, by 28th February, 2026.

(B) Hearing before the concerned ADM

(i) In respect of the impugned notice dated 21st January 2026 or related notices, the Petitioner and the 98 occupants shall appear before the concerned ADM.

(ii) The concerned ADM shall grant hearings to the Petitioner and the 98 occupants. The hearings shall be carried out commencing from 10th February, 2026 onwards.

(iii) The Petitioner and the 98 occupants shall place before the concerned ADM the requisite documents showing how they are claiming their rights over the properties.

(iv) After perusing the concerned documents and hearing the Petitioner and 98 occupants, the concerned ADM shall place a report before the Court, by the next date of hearing.



(C) Relevant documents to be furnished by LAC

Let the copy of the notification under Section 4 and Section 6 of the Act, 1894 as also the Awards be placed before the Court, by Mr. Sanjay Kumar Pathak, Id. SC by 28th February 2026. Let the copy of the same be furnished to the Id. Counsel for the Petitioner also.”

16. In the above order, the Court noted that there were serious disputes as to the title of the Petitioner and others whom she was representing. Further, even compensation was disbursed to some of the owners, post the acquisition. Some persons had also filed claims which references were pending. The ADM who was hearing objections had submitted that the occupants were not cooperating despite notices having been issued. Under such circumstances the Court had directed the Petitioner and the 98 occupants to file affidavits establishing their rights. Further the ADM was directed to grant a hearing after the occupants have filed their documents as to how they claim rights. The ADM was to then file a report before this Court. The LAC was to place on record the Section 4 and Section 6 notifications.

17. Pursuant thereto, the matter was listed for hearing on 25th March, 2026. On the said date, certain documents were handed over on behalf of the Land Acquisition Collector, in which the report/notice dated 16th March, 2026 issued by the ADM was also considered. The said report revealed that there were a total of 157 occupants of the subject land. One of the contentions raised by the Petitioner was that some part of the widening of Road No. 320 is to take place in *Khasra* No.11(min) of Village Haiderpur, Shalimar Bagh, Delhi, which has not been acquired till date. The Court had also perused the maps and photographs of Village Haiderpur, Shalimar Bagh, Delhi which were handed over by Id. Counsels for the parties. After hearing the parties, the



Court had directed as under:

“[...]

9. *Let the ADM conduct a specific survey for widening of the road in the Shalimar Bagh Area.*

10. *The ADM shall also furnish a list of the occupants whose premises are to be demolished for the purpose of road widening. The said list shall include the corresponding property numbers, along with the names of the occupants of the respective properties. The same shall be placed before the Court by the next date of hearing.*

11. *The Petitioners shall cooperate with the ADM as also any other officials who may be accompanying the ADM.*

12. *List on 6th April, 2026 in **supplementary list**.*

13. *In the meantime, no coercive measures shall be taken without the permission of this Court.”*

18. In terms of the above order, the ADM was directed to conduct a specific survey in respect of the widening of the road. Further the ADM was directed to file a list of occupants who would be affected by the road widening along with the proper numbers etc.,

19. Thereafter, the matter has been taken up for hearing today. On behalf of the Petitioner, Mr. K.C. Mittal, Mr. Vinod Dahiya, Id. Counsels and Ms. Priya Darshini, a resident of the subject land, have been heard. They have been duly instructed by Mr. Anil Kumar, Secretary of the Shalimar Bagh Resident Welfare Association.

20. On behalf of the Respondents, Mr. Chetan Sharma, Id. ASG, Mr. Sanjay Kumar Pathak, Id. Counsel for the Land Acquisition Collector, Mr.



Sameer Vashisht, Id. Counsel for GNCTD and Mr. Shashi Pratap Singh, Id. Counsel for the DDA have been heard. They were assisted by the representative Counsels and officials from the respective Departments.

21. The following documents have been handed over by the parties:

- (i) General Development Plan of Shalimar Bagh, Block C&D, Layout Plan dated 16th June, 1987 (*hereinafter, the 'layout plan of 1987'*);
- (ii) Schematic Plan of Road No. 320 and the surrounding area (*hereinafter, 'the schematic plan'*);
- (iii) *Akasa Shajra* of Shalimar Bagh Village;
- (iv) Integrated Transit Corridor Development & Street Network/Connectivity Layout plan dated 23rd January, 2017;
- (v) Relevant pages from the Field Book Village record;
- (vi) Relevant provisions of Master Plan for Delhi, 2021 distinguishing between *arterial roads, collector roads, local streets*.

22. Further, a video concerning the subject land in Shalimar Bagh village has been placed on record in a pendrive by the Id. Counsels for the Respondents. The documents and the video in the pendrive, having been produced before the court, are taken on record.

Submissions on behalf of the parties

23. Mr. K.C. Mittal, Id. Counsel for the Petitioner has made the following submissions:

- (i) Reliance is placed upon the reply filed by the Petitioner to the status report filed by the DDA to argue that the Shalimar Bagh village is part of the colonies which have been agreed for regularization under the Master Plan of Delhi, 2021. It is submitted that the regularization of the Shalimar Bagh village having been done, and



the map having been notified, it would not be permissible for the Respondents to dispossess the Petitioner/occupants.

- (ii) As per the reply of the Petitioner to the status report filed by the DDA, the Ministry of Urban Development *vide* letter dated 5th October, 2007 had issued the Revised guidelines for Regularisation of Unauthorised Colonies of Delhi (*hereinafter*, '2007 guidelines'). Pursuant to the said regularisation and the fact that it is stated that the Shalimar Bagh village is covered under the 2007 guidelines, it is stated that the provisional certificates for regularization were also issued to the occupants. Thus, it is submitted that the Petitioner/occupants enjoy the protection of the 2007 guidelines.
- (iii) Further, reliance is also placed upon the '*Layout plan of Shalimar Village at property bearing Khasra No.-11,12,13, Shalimar Village, Delhi-88*' which has been annexed as Annexure-E to the reply filed by the Petitioner to the status report filed by the DDA, to contend that Road No. 320 is shown as a 10 meter road.
- (iv) In addition, reliance is also placed upon the status report of DDA, as per which, the DDA has accepted that an assurance was given by the Hon'ble Lieutenant Governor.
- (v) It is also submitted that the Master Plan for Delhi, 2021 in fact, creates a distinction between three categories of roads *i.e.*, *arterial roads*, *collector roads* and *local streets*. It is only the *arterial roads* which have to be beyond 30 meters wide. The *right of way* for *collector roads* would be between 12 to 30 meters. The *right of way* for *local streets* is between 9-12 meters. According to the *Schematic Plan* which has been placed on record, the width of Road No.320



is 19.50 meters. However, it is submitted that the Road No. 320 being a *collector road*, the right of way has to be between 12 to 30 meters and need not be 30 meters. Thus, the impugned public notice deserves to be quashed.

- (vi) Furthermore, it is also submitted that the Master Plan for Delhi, 2021 and the zonal plan are different plans. The Respondents do not have any basis for widening the Road No. 320 and that too when there are so many families which are likely to be affected in the process.
- (vii) Reliance is also placed upon the decision of the Id. Division Bench of this Court in ***Banwari Lal Sharma v. Union of India and Ors.*** **2013 SCC OnLine Del 2179**, wherein the Division Bench of this Court has granted protection to residents of unauthorised colonies under National Capital Territory of Delhi (Special Provisions) Act, 2007, even though there was an encroachment on public land.

24. On behalf of the Respondents, Mr. Chetan Sharma Id. ASG along with Mr. Pathak has made submissions on the following aspects:

- (i) Reliance is placed upon the status report filed by the ADM-cum-LAC, which was filed in compliance to the orders dated 9th February, 2026 and 25th March, 2026. As per the said report, the entire subject land is acquired land.
- (ii) Further, it is also submitted that the challenge to the acquisition of the subject land has already been dismissed by this Court *vide* judgement dated 25th February, 1997 in ***Writ Petition (C) 730/1980*** titled '***M/s Prem Chand Ramesh Chand v. Delhi Development Authority and Another*** and connected matters. The relevant portion



of the judgement dated 25th February, 1997 is set out below:

“[...]

*Apart from above, the petitioner is not entitled to any discretionary and equitable relief for the reasons which we would presently notice. The petitioner has not filed any document of title on record except only a copy of Khasra girdhawari for 1979-80. It cannot and has not been urged to be a document of title. This khasra girdhawari only shows that there are some godowns on the land in question. The petitioner is not the recorded owner. The recorded owner of the land are different persons. The petitioner has not even disclosed in the writ petition as to when the structures / godowns were constructed. It has also not been disclosed in the writ petition that in respect of land in question Section 4 and Section 6 notifications had been issued. **It could not be disputed that the alleged constructions were made after issue of the said notifications. The petitioner has also not disclosed as to whether the recorded owners filed or not objections under Section 5-A of the Land Acquisition Act.** These material facts were suppressed and not disclosed with a view to secure interim protection from this court. The demolition and dispossession could not take place because of the interim orders and, therefore, it does not now lie in the mouth of the petitioner to contend that the acquisition is not complete since possession has not been taken. We feel that the writ petitions deserve dismissal on the short ground of suppression of material facts.*

For the reasons aforesaid, all the writ petitions are dismissed with costs. Counsel fee quantified at Rs.5,000/- in each case.”

The aforesaid judgement was assailed by the occupants before the Supreme Court by **SLP Civil No. 022806-022818/1997**, which is stated to be dismissed on 7th January, 2000. Thus, it is submitted



- that the acquisition of the subject land being upheld, the occupants do not have a right to challenge the same. The only right that they would have is one of compensation and nothing more.
- (iii) Further, it is pointed out that in terms of the Master Plan for Delhi, 2021, there is an encroachment of approximately 24 meters on Road No. 320. It is stated that the subject land, being a government land, has been encroached upon with 5 to 6 storey buildings raised over it, without any authorization whatsoever.
 - (iv) It is also highlighted by means of a video, that the proposed road widening is necessary to create a proper right of way for ambulances, school buses and other critical vehicular traffic. It is contended that during peak hours, the area experiences severe traffic congestion, leaving no space for smooth vehicular movement. It is also stated that such unauthorized constructions are significantly hampering connectivity, including access to key infrastructure projects and public utility services in Delhi.
 - (v) Additionally, it is also submitted that the total number of properties which would be affected by the widening of the Road No. 320 is approximately 143, and most of them do not have any valid legal title to the subject land.
 - (vi) Finally, it is urged that in respect of the protection under National Capital Territory of Delhi (Special Provisions) Act, 2007, the same would not be available to the Petitioner/occupants in terms of the judgment of this Court in ***Delhi Development Authority v. Ram Rati (Now Deceased) Through Lr's and Others***, 2018 SCC OnLine Del 11390.



25. On behalf of the DDA, the submissions of Mr. Shashi Pratap Singh, Id. Counsel, are as follows:

- (i) There are different levels of plans that are created by the DDA for the purpose of planned development of the city of Delhi. The Master Plan for Delhi, 2021 is a notional plan and does not go into details of each colony. At the second level is the zonal development plan and then comes the layout plan which is also known as the general development plan.
- (iii) In the present case, insofar as Shalimar Bagh Village is concerned, the layout plan of 1987, which was prepared by the DDA and has been approved way back on 16th June, 1987, shows that Road No. 320 is to be a 30 meter road.
- (iv) It is further submitted that the layout plan of 1987 itself records that there are various unauthorised structures which have been built on the road no. 320.
- (v) It is also submitted that after the layout plan is approved, on the basis of the said layout plan, the Unified Traffic & Transportation Infrastructure (PLG.& ENGG.) (*hereinafter*, 'UTTIPEC') approves the road widening. It is stated that in the present case, the approval happened in 2016. In this context, reliance is placed upon the 'Minutes of the 52nd UTTIPEC Governing body meeting' held on 13th January, 2016 which shows that the '*Corridor from RUB Shalimar Bagh to outer Ring Road*' was approved and the same is in terms of the zonal development plan.

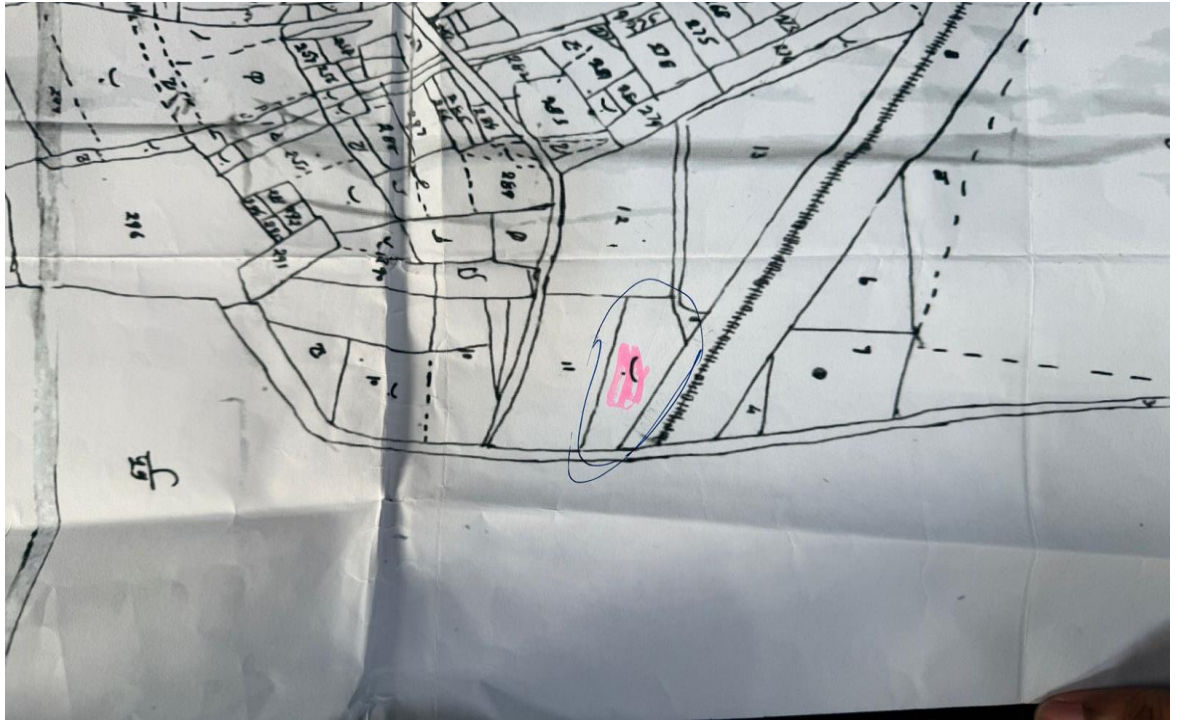
26. At this stage, Mr. Vinod Dahiya, Id. Counsel for the Petitioner submits that a substantial portion of widening of Road No. 320, in fact, falls in *Khasra*



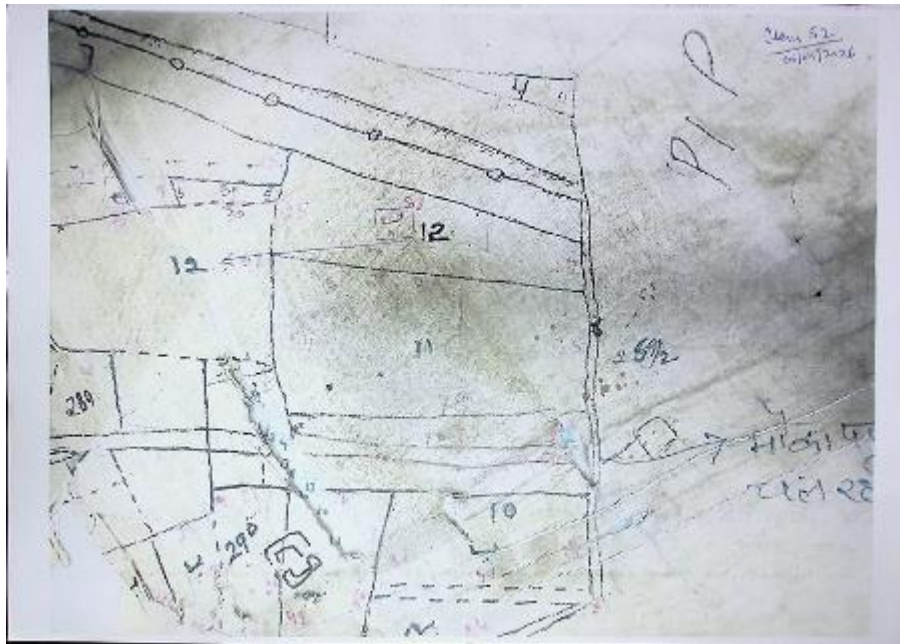
No. 11(min) of Village Haiderpur, Shalimar Bagh, Delhi. He contends that this land does not form a part of the acquired land, and, therefore, the road widening is completely contrary to law.

27. Insofar as the argument raised by Mr. Vinod Dahiya, Id. Counsel is concerned, Mr. Manoj Kumar, the *patwari* is present in Court. The *akasa shajra* of the Shalimar Bagh Village from the revenue record has been placed on record. The same is in Urdu and has been interpreted by the *patwari*. The relevant extract of the same is extracted below:





28. The *patwari* has been asked to explain as to what the highlighted portion means. He has categorically and unequivocally informed the Court that the original *akasa shajra* in his records, reflects that the highlighted portion of the land as an extension of *Khasra* No. 12. The same is also reflected in the copy of the field book records which have been placed before the Court. The relevant portion of the field book record is set out below:



Analysis and directions

29. The Court has heard Id. Counsels for the parties and has perused the records.

30. There is no doubt that when there is unregulated growth of population within cities, there is constant friction that exists between the interest of the residents and occupants of an area and the infrastructure which is correspondingly to be created. The subject land, in respect of which the present petition has been filed, is part of land which the Respondents are intending to use for the purpose of widening of the Road No. 320.

31. The Court has perused four different maps as also the video which has been placed on record in order to assess the requirement of the Respondents. There is no doubt that the carriage ways on one side is wide and on the other side where there is unauthorised encroachment, is quite narrow. In this regard, the relevant portion of the schematic plan, depicting the current situation is set out below:

ANNEXURE R-2/7

231

COVERED DRAIN 3 mtr

RAILWAY TRACK

726 m

300 m

181 m

658.67 m

10.5 m wide Encroachment

Shalimar Village

168 m

117 m

160 m

1.5 Km Distance to Fortis Hospital From Encroachment

Government Girls Sr. Sec. School (117m from Encroachment)

Sahib Singh Verma Community Centre (160m from Encroachment)

Maternity Child Welfare Centre MCD Ayurvedic Centre (730m From Encroachment)

DMMA Office (200m From Encroachment)

Proposed Education Institute (30m from Encroachment)

Government Hospital (181m from Encroachment)

Max Hospital (300m From Encroachment)

Defence Police Integrated Complex Operations & Communication (184m from Encroachment)

Kanishka Apartment

Outer Ring Road

Haidarpur Metro Station (900m From Encroachment)

Passport Seva Kendra (1.3 km from Encroachment)

Haidarpur Canal

Proposed Underpass

Towards GT Karnal Road & Azadpur Mandi

Towards Maternity Child Welfare Centre & MCD Ayurvedic Centre

1.38 km (1384m) Total Length (A+B) of Max Hospital Road

A. Encroached Free Length – 726 meters

B. Encroached length – 658.67 Meters

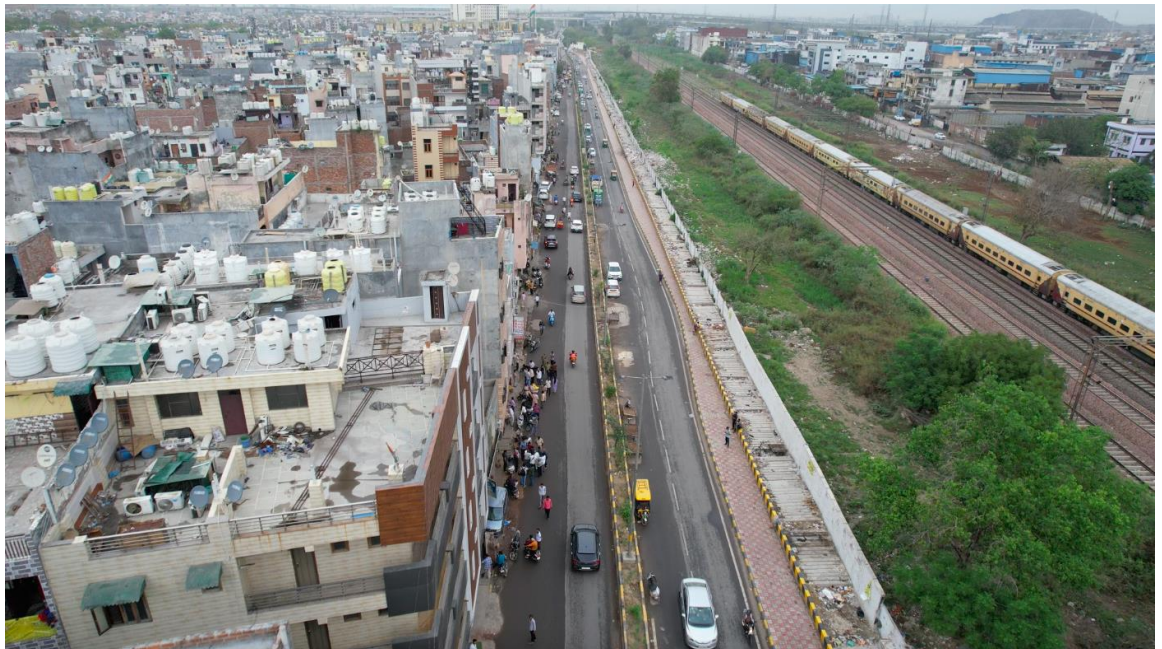
33. Further, the video of the Shalimar Bagh village which has been placed on record would also show that there is a wide carriageway and footpath on one side. However, on the side where the occupants are living and where the road is sought to be expanded, the road has only one lane for vehicular traffic and the other lane is occupied by parked cars. There is also no footpath. Ambulances, school buses and traffic has to flow through this road to reach

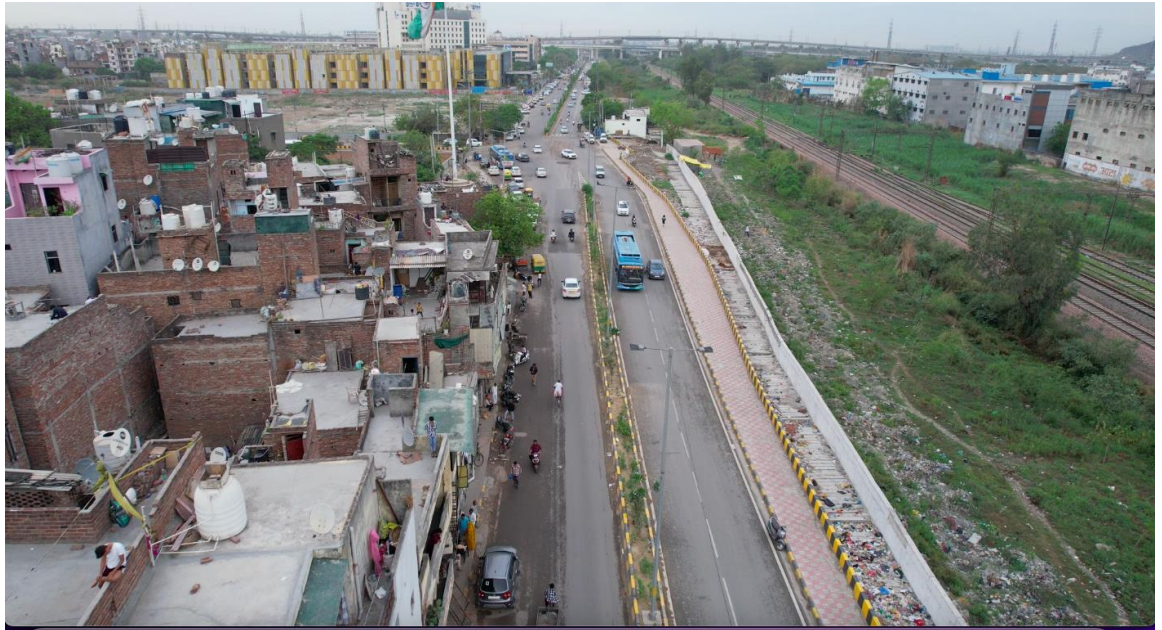


2026:DHC:2957-DB



the two underpasses as also GT Karnal road. In this regard, the relevant extracts from the video are set out below:





The above video and images are taken on a non-working day but the Court is informed that on working days, the vehicular traffic creates a traffic jam and it takes substantial time for traffic to pass through this small patch of road due to encroachments on the left side by shops, residents, parked vehicles, etc.,

34. The Court has heard the matter in great detail on three different occasions. The Court is also conscious of the fact that there are several families which may be living in the patch of the subject land, which is to be used for the road widening purpose, for many years. However, in so far as the nature of the subject land is concerned, it is clear that the same is a public land.

35. The subject land was acquired way back in the 1960s, and the acquisition of the subject land has also been upheld by the Supreme Court. It is possible that the Respondents are proceeding in a phased manner, undertaking development as and when required, and that appears to be the position in the present case as well.



36. The occupants in the Shalimar Bagh village may have tried to acquire some title in the patch of subject land, and they may be using it for various purposes including residential, commercial, building guest houses, *etc.* However, the Court is informed that in the near vicinity of the subject land, there is a private hospital *i.e.*, MAX hospital, government hospital, institutional area where the Delhi Police has an integrated complex operation and a proposed educational institution which is 30 meters away from the subject land. The same is also visible in the schematic plan extracted above.

37. Moreover, a perusal of the video as also the maps would show that in the particular stretch, the road follows a zigzag course due to encroachments and the unavailability of land for expansion. The said road also leads to two underpasses in the Shalimar Bagh area, and connects to the Outer Ring Road, and further links traffic to the GT Karnal road bypass.

38. The Court is convinced that the widening of Road No. 320 is an important infrastructural development that cannot be delayed and ought to be permitted in an expeditious manner, so as to ensure that Road No. 320 becomes adequately accessible for critical emergency vehicles, such as ambulances, fire services as also vehicular traffic including school buses *etc.*, which may need to access or pass through the area.

39. The Shalimar Bagh area is a highly populated area, however, while striking a balance between the needs of occupants and infrastructural development, it must be borne in mind that the land in question is a public land, and the encroachment by the occupants is completely illegal and contrary to law.

40. Further the argument that the subject patch of land is in Khasra no.11 is completely belied, as the Patwari who was present in Court, has presented



the two documents viz., the *akasa shajra* and the Field book which shows that

the patch of land falls in *Khasra* no.12 The urdu symbol ‘ب’،

is supposed to be read as ‘Ba’, which is pronounced as ‘be:’. The same is to be interpreted in terms of the *akasa shajra* and the field book records produced by the Patwari as an ‘*Extension of Khasra No.12*’.

41. Considering the needs of the occupants, the ADM, *vide* the impugned public notice had rightly invited objections from the occupants of the unauthorised structures encroaching the subject land. The said objections were to be furnished by the occupants within 15 days. The same is recorded in the impugned public notice which is set out below:

**ANNEXURE P-1****39**

GOVERNMENT OF NCT OF DELHI

OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE, CENTRAL NORTH DISTRICT
DISTRICT MAGISTRATE OFFICE COMPLEX, RAMPURA, DELHI-35

F. No.: Award Nos. 40 & 50/80-81 / Haiderpur Shalimar Bagh/ 89-90 Dated: 21-01-2026

सूचना पत्रक**NOTICE**

WHEREAS large tract of land including Khasra Nos. 12 min. (49-9) and 13 min. (54-11) of Village Haiderpur, Delhi were acquired under the Land Acquisition Act, 1894 through Award No. 40/1980-81 and Award No. 50/1980-81 announced under Section 11 of the said Act by the Land Acquisition Collector, Delhi pursuant to notifications dated 13.11.1959 and 24.10.1961 respectively under Section 4 of the said Act and declarations dated 06.12.1966 issued under Section 6 of the said Act for public purpose, namely, for Planned Development of Delhi and the awarded compensation had been deposited in RD in 1981.

AND WHEREAS aforesaid Khasra Nos. 12 min and 13 min of Village Haiderpur, Delhi forms part of Master Plan Road No. 320 Shalimar Bagh, Village Haiderpur, Delhi as per the Master Plan of Delhi (MPD) prepared by Delhi Development Authority (DDA) which has notified the Right of Way (ROW) of aforesaid Road as 30 metres.

AND WHEREAS DDA had handed over Road No. 320 to PWD from RUB up to the intersection of Road No. 319.

AND WHEREAS 10.5 metre width of road was found under encroachment having unauthorised structures.

AND WHEREAS Public Works Department (PWD) had requested for encroachment free land for development of the said road within ROW.

AND WHEREAS DDA had demarcated the aforesaid land on 10.12.2025 along with other concerned Departments on 10.12.2025 of the aforesaid acquired land by Total Station Method (TSM) and thereafter, a Joint Survey-cum-Nishandhi was done on 10.01.2026 as per the above demarcation for assessing the status of land and level of encroachment/unauthorised structures within the ROW of the said Road.

AND WHEREAS it was found that 143 unauthorised built-up structures, being used for residence and/or commercial purposes, by unauthorised occupants are falling within the Right of Way/ Encroachment portion of Road No. 320, Village Haiderpur, Shalimar Bagh with existing road width of 19.50 mts. only and encroachment on 10.50



mts. road width falling in aforesaid Khasra No. 12 min. (2-17) & Khasra No. 13 min (05-01).

Now, therefore, all persons/occupants of the said unauthorised built-up properties situated on ROW of the Road No. 320, Village Haiderpur, Shalimar Bagh, Delhi are hereby called upon to show cause/submit objections, if any, within 15 days from the date of issue of this notice, as to why possession of the above acquired land should not be taken for the purpose of road widening and public interest.

The objections, if any, shall be submitted in writing before the undersigned and a personal hearing shall be conducted on the date to be notified separately.

In case, no objection is received within the stipulated period, it shall be presumed that the above unauthorized occupants have no objection, and further action including taking possession of the acquired land to the extent as indicated above at this stage shall be taken as per law.

This notice is issued in the interest of public safety, traffic smoothening, and road widening, and is without prejudice to any other action permissible under the relevant provisions of law.

R. Ranjan
21.01.26

LAND ACQUISITION COLLECTOR/ADM
District Central North Delhi



To

The Sub Divisional Magistrate/Tehsildar (Shalimar Bagh) with the direction to serve this notice upon the occupants and also affix the same on the above 143 properties situated in Khasra no. 12 min. (2-17) & Khasra no. 13 min (5-01) of the acquired land of Village Haiderpur, Shalimar Bagh, Delhi.

42. Initially, when the writ petition was filed, most of the occupants neither filed their objections nor did they appear before the ADM/LAC. However, upon orders being passed by this Court, the occupants appeared with their requisite documents and a detailed status report has since been filed, in respect of the hearings conducted by the ADM.

43. A perusal of the detailed chart, annexed to the status report of the LAC,



recording the hearing of 157 cases by the ADM (*hereinafter, 'the chart'*), reveals that most of the documents relied upon by the occupants, pertain only to post 1990s, and in some cases they belong to the 1980s. However, there are no documents prior to the initiation of the acquisition proceedings of the subject land, when notifications under Section 4 of the Act, 1894 were issued on 13th November 1959 and 24th October 1961.

44. Further, the chart would also reveal that most of the occupants claim rights only through GPAs, which may not even be registered. In most cases, there are no sale deeds and the title in respect of all the occupants seems to be unestablished. It is under these circumstances that the Court has to consider whether the widening of Road No. 320 can be held back or not.

45. In the opinion of this Court, the expansion of infrastructural projects, especially those concerning access to essential services, such as medical care, education, and fire safety, ought not to be delayed any further, as such delay would be detrimental to the larger interests of the residents of Shalimar Bagh. In these circumstances, the interest of private occupants who are encroaching upon public land must yield to the broader public interest, including the needs of the residents and the smooth flow of vehicular traffic in the said area.

46. Under such circumstances, this Court is of the view that the widening of Road No. 320 cannot be delayed any further. The residents have to ensure that the same is also not hampered or obstructed in any manner. The Court has repeatedly queried the Respondents to justify as to why the road had to be 30 metres wide.

47. A perusal of the status report of the DDA would show that, pursuant to the initial meeting dated 19th April, 2010, which was held between a delegation from Shalimar Bagh area and the Hon'ble Lieutenant Governor,



and which is relied upon by the occupants of the area, a meeting dated 19th November, 2012 was held by the Vice Chairman, DDA to deal with the issue of re-examination of alignment of the road. However, no fresh proposals were submitted for re-alignment. Thus, the re-alignment in the said manner was not approved.

48. Subsequent to the said meeting, the construction of the complete 30 meters wide road was considered necessary in the larger public interest and for the overall development of Delhi, particularly as it connects GT Karnal Road with the Outer Ring Road, through this area. The further reasons for the expansion of Road No.320 is set out in the Status report filed on behalf of the Delhi Development Authority. It is stated that Road No. 320 is essential for the accessibility to various infrastructural projects and proposed utility centres, which include the following:

Infrastructural Project/Utility	Distance
Existing Govt Girls Sr. Sec. School	117 meters
Existing MCD Community Centre towards RUB	160 meters
Existing Max Super Speciality Hospital	300 meters
Existing Delhi Police Integrated Complex Operations and Communication	384 meters
Existing Fortis Hospital	1.5 Km
Existing MCD Maternity Child Welfare Centre and Ayurvedic Hospital	730 meters
Existing RUB towards Azadpur Mandi	168 meters
Existing Passport Sewa Kendra	1.3 Km
Govt. Hospital under construction/renovation (Outer Ring Road side)	181 meters
Underpass connecting Road No.320 to Outer Ring Road	726 meters



Proposed Educational Institution adjacent to Govt. Hospital (Outer Ring Road side)	30 meters
Proposed Disaster Management Office/Institute adjacent to Govt. Hospital (Outer Ring Road side)	200 meters

49. Further, as per the records which have been produced before the Court, the conceptual plan of PWD project titled '*Corridor from RUB Shalimar Bagh to Outer Ring Road*' was approved in 2016 vide '52nd Governing Body Meeting of UTTIPEC' dated 13th January, 2016.

50. Additionally, it also needs to be considered that the subject land is near a railway line, which is crossing the subject land. There is no scope for expansion of the road on the side abutting the railway track. The mandatory safety conditions applicable for the railway line are to be maintained. Under such circumstances, the Court has no option but to allow the widening of Road No. 320 and make it a 30 meter road.

51. In the overall facts and circumstances, the following directions are issued:

- i) The concerned authorities shall proceed with the expansion of Road No. 320, in accordance with the approval of the UTTIPEC dated 13th January, 2016.
- ii) A reasonable time period shall be granted to the occupants to remove their belongings and vacate the unauthorised encroachments near the Road No. 320, so that they are not unnecessarily inconvenienced. For the said purpose, the concerned ADM shall interact with the occupants and fix an outer limit by which the occupants shall vacate the properties on the subject land



- under their occupation and possession. In any event, this period shall not be beyond 30th May, 2026.
- iii) The GNCTD shall take an appropriate decision regarding the grant of *ex gratia* compensation to be awarded to the occupants, in accordance with law, as prayed for by the Petitioner and other occupants, and the same shall be considered in a sympathetic manner.
 - iv) Upon the expiry of the aforesaid period *i.e.*, 30th May 2026, the Respondents are at liberty to proceed with the expansion of Road No. 320 and to remove all the encroachments/unauthorized constructions.
 - v) Until the reasonable time to vacate expires in terms of (ii) above, the Petitioners shall not be displaced, subject to their cooperation with the authorities in terms of the present directions.

52. The present petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

APRIL 6, 2026/mr/sm